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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

TO, JENNIFER N

ART UNIT

PAPER NUMBER

2195

MAIL DATE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/965,374	LOUCKS, JEFFRY HARLOW	
	<b>Examiner</b>	<b>Art Unit</b>	
	JENNIFER N. TO	2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-29 are pending for examination.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/04/2008 has been entered.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1-2, and 4-11, 13-17, 19-23, 25-27, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akiyama et al. (hereafter Akiyama) (U.S. Patent No. 6430594), in view of Burns (U.S. Patent No. 6098090), and further in view of Fletcher et al. (hereafter Fletcher) (U.S. Patent No. 5012409).
5. Akiyama and Burns were cited in the previous office action.

6. As per claim 1, Akiyama teaches the invention substantially as claimed including a method for scheduling tasks (col. 1, lines 7-14) comprising:

operating a kernel of a computer operating system to cycle through a plurality of pre-assigned time slices, at least one slice being assigned to a task block (figs. 1-3, 5; col. 3, lines 34-46; col. 6, lines 12-41);

scheduling execution of a service manager on the task block (fig. 5; col. 3, lines 35-56; col. 5, lines 27-60; col. 7, lines 16-32);

operating the service manager to schedule a plurality of registered services for execution, each service being scheduled for execution within at least one of the pre-assigned time slices, where the register services are scheduled for execution independently of any other task block (fig. 5; col. 5, lines 25-55);

ranking the registered services according to priority (col. 8, lines 27-30); and

allocating an execution presence and data presence to a registered service (fig. 1; col. 3, lines 32-53; col. 9, lines 51-64).

7. Akiyama did not specifically teach the task blocks are background task and foreground task, and the background task being scheduled independent from the operation of the foreground task.

8. However, Burns teaches the background task and the foreground task, the background task being scheduled independent from the operation of the foreground task (col. 1, lines 13-18, 55-58; background tasks are performed frequently “monitoring

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the selection...or the choice of a menu selection”, these background tasks are performed without the controlled or involved by the foreground task).

9. It would have been obvious to one of an ordinary skill in the art at the time the invention was made to have combined the teaching of Akiyama and Burns because Akiyama teaches a system of switching between task block based on the pre-assigned time slice, wherein each of the task block comprises a plurality of task, each task block had its own scheduler, and Burns teaching switching between the background task and the foreground task based on the pre-assigned time slice, wherein the background task had its own scheduler. Thus it is obvious to one of an ordinary skill in the art at the time the invention was made to have recognized that the background task and the foreground task of Burns are equivalent as the task blocks of Akiyama. In addition, Burn teaching of the background task being scheduled independent from the operation of the foreground task. Therefore it would have been obvious to one of an ordinary skill in the art at the time the invention was made to have included the concept of Burns into Akiyama's system to improve the integrity of Akiyama's system by enabling a task to register the execution of one or more background tasks, and minimizing the amount of system resources (Burns, col. 1, lines 55-61).

10. Akiyama and Burns did not specifically teach ranking the register services according to resource need.

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11. However, Fletcher teaches ranking the register services according to the priority and resource need (abstract).

12. It would have been obvious to one of an ordinary skill in the art at the time the invention was made to have combined the teaching of Akiyama, Burns, and Fletcher because all of these systems are directed to a multitasking system having a pre-assigned time slice associated with the tasks, and in addition Fletcher also teaching ranking the register services (tasks) according to the priority and resource need.

Therefore, it would have been obvious to one of an ordinary skill in the art at the time the invention was made to have included the concept of Fletcher into Akiyama and Burns 's system to improve the integrity of Akiyama and Burns 's system by controlling the execution of tasks based on the priority and resource need (Fletcher, col. 4, lines 38-39).

13. As per claims 2, and 9, Akiyama further teaches the step of the background task searching for at least one registered service associated therewith (col. 6, lines 29-41).

14. As per claim 4, Akiyama, Burns and Fletcher did not specifically teach that the data presence is an A5-based global variable context. However, it would have been obvious to one of an ordinary skill in the art at the time the invention was made to have included A5-based as the data presence type in Akiyama, Burns and Fletcher 's system because A5 based is known as one of the common used data in the art.

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15. As per claims 5-6, Akiyama teaches wherein the service is a system related activity and/or an interrupt-related activity (fig. 6).

16. As per claim 7, Burns teaches wherein the service is a background-related activity (fig. 1).

17. As per claim 8, Akiyama teaches the step of periodically repeating the steps a) through c) (figs. 9, 11; col. 9, lines 31-34).

18. As per claims 10-11, 13-17, 19-23, 25-27, and 29, they are rejected for the same reason as claims 1-2, and 4-9 above.

19. Claims 3, 12, 18, 24, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akiyama et al. (hereafter Akiyama) (U.S. Patent No. 6430594), in view of Burns (U.S. Patent No. 6098090), in view of Fletcher et al. (hereafter Fletcher) (U.S. Patent No. 5012409), as applied in claims 1, 10, 16, 23, and 26 above, and further in view of Mathur et al. (hereafter Mathur) (U.S. Patent No. 5742825).

20. As per claims 3, 12, 18, 24, and 28, Akiyama, Burns, and Fletcher teach the invention substantially as claimed in claims 1, 10, 16, 23, and 26 above. Akiyama, Burns, and Fletcher did not specifically teach the method and system are implemented on a portable electronic device.

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21. However, Mathur teaches the method and system are implemented on a portable electronic device (col. 5, lines 5-10).

22. It would have been obvious to one of an ordinary skill in the art at the time the invention was made to have combined the teaching of Akiyama, Burns, Fletcher, and Mathur because all of these systems are directed to a multitasking system having a pre-assigned time slice associated with the tasks. In addition, Mathur teaching of these systems can be implemented on a portable electronic device. Therefore, it would have been obvious to one of an ordinary skill in the art at the time the invention was made to have included the concept of Mathur into Akiyama, Burns and Fletcher 's system to improve the integrity of Akiyama, Burns and Fletcher 's system by expanding the utilization of Akiyama, Burns and Fletcher 's system into a different device based on user needs.

### ***Response to Arguments***

23. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see PTO form 892 for details).



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25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER N. TO whose telephone number is (571)272-7212. The examiner can normally be reached on M-T 6AM- 3:30 PM, F 6AM- 2:30 PM.

26. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

27. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Primary Examiner, Art Unit 2194

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